

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDEZ-GARCIA,

Defendant.

No. 1:20-CR-00138-ADA-SKO-1

ORDER FOR DEFENDANT’S COUNSEL TO
ADDRESS DEFENDANT’S REQUEST FOR
RECORDS AND FILES

(ECF No. 39)

On August 19, 2021, the then-assigned District Judge ordered and sentenced Defendant Eleno Fernandez-Garcia (“Defendant”) to prison based on his violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(A). (ECF No. 38.) On June 15, 2022, Defendant filed a “Motion to Compel Counsel to Release Files and Record.” (ECF No. 39.) On August 24, 2022, the instant case was reassigned to the undersigned District Judge. (ECF No. 40.)

In Defendant’s motion, he requests that the Court direct defense counsel to provide the records and files affiliated with his case. (ECF No. 39 at 1.) Defendant explains that he had made numerous attempts to contact defense counsel to request copies of his files and records. (*Id.*) However, Defendant states that his “counsel has refused to return correspondences and accept phone calls.” (*Id.*) Because Defendant intends to appeal his sentence, he requests that the Court order his counsel to provide him the aforementioned documents. (*Id.*)

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1 Here, the Court orders that defense counsel address Defendant's request for his records
2 and files. If Defendant still requires the Court's assistance to obtain his requested documents,
3 Defendant is ordered to refile this request and must describe with specificity the communications
4 that Defendant has had with his counsel on the matter.

5 Accordingly:

- 6 1. Defendant's counsel, David A. Torres, is ordered to address Defendant's request for
7 records and files, (ECF No. 39); and
- 8 2. If Defendant's counsel, David A. Torres, fails to address Defendant's request, Defendant
9 may refile his request with the Court and describe with specificity his communications
10 with his counsel on this matter.

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13 IT IS SO ORDERED.

14 Dated: December 7, 2022


UNITED STATES DISTRICT JUDGE